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IN THE

Supreme Court of the United States

October Term, 1960
No. 457

VAN M. GRIFFITH,

Appellant,

vs.

PEOPLE OF THE STATE OF CALIFORNIA, acting by and through the Department of Public Works,

Appellee,

CITY OF LOS ANGELES, a municipal corporation, *et al.*,

Appellees.

PETITION FOR RECONSIDERATION.

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Appellant respectfully requests this Honorable Court to reconsider its dismissal of appeal made on the ground of want of a substantial federal question.

We think that the points made and authorities heretofore cited, in our Statement of Jurisdiction and In Opposition to Motions for Dismissal, are sufficient; but assume that the Court questions whether the matter of this action attains the importance of a widespread interest and fundamental right to warrant the Court's attention.

We are informed of a general complaint throughout the United States against state highway commissions and agents for taking and diverting park lands to highway and freeway purposes. A case similar to ours at Chino, California, led a firm of attorneys there to file in the California Supreme Court an *amicus curiae* brief herein. Attorneys Black, McCuskey, Souers & Arbaugh, of Canton, Ohio, advise us of an exactly similar situation there in which they represent the reversionary interest. They learned of the pendency of this appeal from the digest in United States Law Week.

That this is a matter of nation-wide concern is emphatically stressed in the Editorial of the *Saturday Evening Post,* December 10, 1960, which refers to article by Alfred Balk in the October, 1960, number of the *National Civic Review.* Mr. Balk's informative article is republished in condensed form in *Reader's Digest* of November, 1960 (pp. 267ff).

But, as we have shown, this instant case is of more substantial federal import than the facts recited in said articles. Before the commencement of this action in eminent domain this appellant brought an action to enjoin the proceeding of the Department of Public Works, *(Griffith v. Department of Public Works),* and had two decisions of the California District Court of Appeal in his favor (146 Cal. App. 2d 376 and 338 P. 2d 920), but later decision was reversed by the Supreme Court on the ground of *fait accompli* (52 Cal. 2d 848); for, notwithstanding the pendency of said injunction suit,

the Department of Public Works proceeded with the taking of the park lands and the construction and completion of the Golden State Freeway thereon.

Thus, appellant's attempt to preserve the Griffith Park lands was defeated. In this eminent domain action he was therefore compelled to pursue the only remedy left to him, namely, to claim damages for the taking.

We submit that our briefs have clearly shown that appellant is entitled to reversal of the decision appealed from on the federal grounds of impairment of contract, denial of due process of law, and taking without compensation of appellant's reversionary interest, and that a substantial federal question is involved.

Respectfully submitted,

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